

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTMENTS, LLC D/B/A
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiffs,

v.

ARISTA NETWORKS, INC.,

Defendant.

Civil Action No. 6:20-cv-1083-ADA

JURY TRIAL DEMANDED

**DECLARATION OF ADAM SWEENEY IN SUPPORT OF
ARISTA'S MOTION FOR TRANSFER**

I, Adam Sweeney, hereby declare:

1. I have been employed by Arista Networks, Inc. ("Arista") since 2007 and am currently a Vice President of Software Engineering. As part of my job responsibilities, I have become familiar with the locations of Arista's facilities and personnel in the United States, including the personnel who work in Arista's Austin, Texas facility and the nature of the projects that they work on, and I have confirmed the facts below through a reasonable investigation. I declare that the following statements are true to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances. If called upon to testify, I could and would competently testify thereto.

2. Arista is a Delaware corporation with its principal place of business in, Santa Clara, California, which is located within the Northern District of California.

3. Arista was founded in 2004 and has been headquartered in the Northern District of California since its beginning. Arista also maintains a Research and Development Office in San Francisco, California, which is also located within the Northern District of California. There are approximately 1087 full-time employees working in Arista's Northern California offices, comprising approximately 64% of its workforce in the United States.

4. Arista has a Research and Development Office located at The Terrace, Building II, Suite 420, 2700 Via Fortuna, Austin, Texas, which is located within the Austin Division of the Western District of Texas. Twenty-five employees work there as of today.

5. Arista has fourteen additional employees who work remotely in the Western District of Texas. These employees work in sales and marketing, customer support, customer engineering, software engineering, and software services and carry out these activities with respect to Arista's business generally, not specific to any of the accused features. None of these remote employees is in the Waco Division. Five are in the Austin Division, four are in the El Paso Division, and five are in the San Antonio Division.

6. Arista does not have any personnel or facilities in the Waco Division of the Western District of Texas.

The 715 Accused Products and Technology

7. I am informed that the plaintiff in this case has identified in its infringement contentions for the asserted 715 patent the following accused products and technology:

- Arista Wireless Intrusion Prevention System (WIPS) with Marker Packet auto-classification technology implemented on at least the C-120, C-110, C-100, C-230, C-260, C-230E, C-130, C-130E, W-118, O-235, O-235E, O-105, O-105E Access Points;

- 802.11w Management Frame Protection; and
- Precision Data Analysis with DANZ.

8. None of Arista's personnel in Austin works on projects related to the use or implementation of WIPS, on Marker Packet auto-classification technology, on any Access Points (including any of the Access Points) identified above, on 802.11w Management Frame Protection, or on Precision Data Analysis with DANZ, and no documents or information related to any such projects are created there. Instead, work on projects (technical, financial, commercial, or otherwise) concerning WIPS, Marker Packet auto-classification technology, Access Points, or any 802.11w Management Frame Protection is managed by J.V.R. Murthy in Santa Clara, California, and carried out by personnel in Arista's Pune and Bangalore, India facilities. Work on Precision Data Analysis with DANZ is performed by personnel in Arista's Santa Clara facility. As a result, documents and information concerning such projects are created in those locations. In addition, the Arista personnel responsible for financial, marketing, commercial, planning, licensing, sales, and other general business operations for the company that include or relate to the 715 Accused Products and Technology are located principally in Santa Clara, and the documents relating to these topics are created there.

9. Even if some employees in Austin were to have copies of, or access to, documents created in the United States concerning the 715 Accused Products and Technology, the vast majority of such documents are created in Santa Clara, California, and Arista expects to make its relevant source code available for inspection at or near its Santa Clara headquarters. Likewise, even if some employees in Austin were to have some knowledge related to the 715 Accused Products and Technology, the vast majority of Arista personnel knowledgeable about those

products and technology work in Santa Clara, California and in India, and any knowledge held by personnel in Austin would be redundant of Santa Clara and India employees' knowledge.

The 447 Accused Products and Technology

10. I am informed that the plaintiff in this case has identified in its infringement contentions for the asserted 447 patent the following accused products and technology:

- Internet Group Management Protocol (IGMP) snooping + Multichassis Link Aggregation (MLAG) implemented on at least the following Arista switches: 7260X, 7280R, 7250X, 7280R2, 7260X3, 7280R3, 7280E, 720XP 7020R, 7050X, 7050X2, 7060X, 7060X2, 7050X3, 7050, 7160, 7170, 7150, 7010, 7500R2, 7500R, 7500E, 7300X, 7320X, 7300X3, 7368, and 7500R3 Series switches (as to the switches collectively, "447 Patent Accused Switches").

11. None of Arista's personnel in Austin works on projects related to the use or implementation of IGMP snooping, MLAG in relation to IGMP snooping, or any of the switches identified above in relation to IGMP and MLAG, and no documents or information related to any such projects are created there. Two employees in Austin have worked on projects that need to be compatible with MLAG, but are unrelated to IGMP snooping, and four employees in Austin have worked on projects for the 447 Patent Accused Switches that are unrelated to IGMP snooping and MLAG. Work on projects (technical or otherwise) concerning IGMP snooping, MLAG in relation to IGMP snooping, or any of the 447 Patent Accused Switches in relation to IGMP snooping and MLAG occurs principally in Santa Clara, California by employees who work there. As one example, I am knowledgeable about engineering features relating to MLAG and IGMP snooping and consequently may be called to testify about the 447 Accused Products and Technology. In addition, the Arista personnel responsible for financial, marketing, commercial, planning,

licensing, sales, and other general business operations for the company that include or relate to the 447 Accused Products and Technology are located principally in Santa Clara, and the documents relating to these topics are created there.

12. Even if some employees in Austin were to have copies of, or access to, documents concerning the 447 Accused Products and Technology, the vast majority of such documents are created in Santa Clara, California, and Arista expects to make its relevant source code available for inspection at or near its Santa Clara headquarters. Likewise, even if some employees in Austin were to have some knowledge related to the 447 Accused Products and Technology, the vast majority of Arista personnel knowledgeable about those products and technology work in Santa Clara, California, and any knowledge held by personnel in Austin would be redundant of Santa Clara employees' knowledge.

The 884 Accused Products and Technology

13. I am informed that the plaintiff in this case has identified in its infringement contentions for the asserted 884 patent the following accused products and technology:

- Architecture related to Virtual Output Queues (VOQs) in Arista's switches, including at least the Arista 7500R Series, 7500R3 Series, 7800R3 Series, 7280R3 Series, 7280R Series, and 7020R Series switches;
- Precision Data Analysis with DANZ;
- Latency Analyzer (LANZ);
- sFlow; and
- Equal Cost Multi-Path (ECMP).

14. None of Arista's personnel in Austin works on projects related to the use or implementation of VOQs or related architecture, and no documents or information related to any

such projects are created there. None of Arista's personnel in Austin works on projects related to the use or implementation of Arista Precision Data Analysis (DANZ) feature, the Latency Analyzer (LANZ) feature, or the sFlow tool or any other features related to TAP aggregation. In addition, none of Arista's personnel in Austin works on the implementation of Equal Cost Multi-Path (ECMP) functionality. Instead, work on all these projects (technical or otherwise) and related architecture is carried out by personnel in Arista's Santa Clara facilities, and documents and information concerning such projects are located in Santa Clara. For example, Hugh Holbrook is knowledgeable about engineering features relating to the implementation of VOQs, DANZ, LANZ, sFlow, and consequently may be called to testify about the 884 Accused Products and Technology. In addition, the Arista personnel responsible for financial, marketing, commercial, planning, licensing, sales, and other general business operations for the company that include or relate to the 884 Accused Products and Technology are principally located in Santa Clara, and the documents relating to these topics are created there.

15. Even if some employees in Austin were to have copies of, or access to, documents concerning the 884 Accused Products and Technology, the vast majority of such documents are created in Santa Clara, California and in India, and Arista expects to make its relevant source code available for inspection at or near its Santa Clara headquarters. Likewise, even if some employees in Austin were to have some knowledge related to the 884 Accused Products and Technology, the vast majority of Arista personnel knowledgeable about those products and technology work in Santa Clara, California, and any knowledge held by personnel in Austin would be redundant of Santa Clara employees' knowledge.

16. In addition, the 884 Accused Products and Technology all incorporate a switching chip made by Broadcom Inc., a company based out of San Jose, California. It is my understanding that Broadcom designs this chip in California.

Other Business Activities, Personnel, and Documents

17. Although there is a handful of personnel in the Austin, San Antonio, and El Paso Divisions who work on sales and customer engineering and support, and similar activities, the vast majority of work related to finance, sales, marketing, customer engineering, and customer support is carried out by Arista employees in other locations, principally in Arista's Santa Clara Headquarters, and documents and information concerning these subjects are created principally in Santa Clara. For example:

- All of Arista's U.S. finance employees are based in Santa Clara;
- Seven of 8 U.S. marketing employees are based in Santa Clara, with none in Texas;
- Forty-one sales employees are based in California, including 25 in Santa Clara, while only 10 are based anywhere in Texas;
- Forty-nine of 52 U.S. manufacturing employees are based in California, 48 of them in Santa Clara, while none are in Texas;
- Twenty-four customer support employees are based in Santa Clara, with no such employees in Texas;
- Fifty-seven customer engineering employees are in California, 48 of whom are in Santa Clara, while only 20 are located anywhere in Texas.

The knowledge held by employees in the Austin, El Paso, and San Antonio Divisions, or anywhere in Texas, and the documents accessible to those employees, are redundant of information held by employees in Santa Clara, California and documents created there.

Executed in Santa Clara, California, on June 16, 2021.

/s/ Adam Sweeney
Adam Sweeney